

ATILS

Comments by Joshua Walker, Task Force Member, AI Subcommittee

Recommendation not yet voted on by the Task Force: If an entity is permitted to practice law using technology, then the nature of the technology used should not be limited or restrained by any concept or definition of “artificial intelligence”

Even for many of the world's leading computer scientists, "artificial intelligence" can be a nebulous concept. There is no universal agreement within the computer science community, much less more generally, on what it means. The further we go from the academy—into the marketplace and the popular imagination—the more nebulous, or even fantastic, the concept gets.

AI is a murky concept (as used generally). Professor Patrick Winston of MIT, describes artificial intelligence as being about "representations" that support the "making of models" to help with an understanding of "thinking, perception, and action". His definition also includes interactions between and amongst such perceptual, analytic, and action-related systems. Such definitions are arguably quite broad in their own right, but one must also consider novel connotations: "AI" has become a popular marketing meme, often used sloppily to cover almost any modern software or process automation system. Computer scientists and software specialists have difficulty agreeing on a clear boundary distinction between "AI" and "non-AI" functions. How is the legal field, armed with relatively less expertise, define important regulatory and practice systems on such a murky concept?

AI is a changing concept. While it may be possible to clearly define certain systems or functions as clearly "AI" related, the term's connotative penumbra makes it unsuitable or insubstantial as a basis for regulation. Not only is it murky, it is constantly evolving. We do not know what will be considered "artificial intelligence" ten years from now, nor do we really understand what technologies or capabilities will be entailed therein.

Thus, again, basing legal regulation on a murky, changing concept is likely to lead to confusion, gamesmanship, and rapid obsolescence. Instead, we argue that legal functions provide a much stronger basis for the present discussion and future regulation of the legal profession.